

## ORDINANCE NO. 855

### **AN UNCODIFIED URGENCY ORDINANCE OF THE CITY OF CATHEDRAL CITY, ESTABLISHING AN INDEFINITE STAY ON THE ISSUANCE OF PERMITS FOR SHORT-TERM VACATION RENTALS ISSUED UNDER CHAPTER 5.96 OF THE CATHEDRAL CITY MUNICIPAL CODE FOR RESIDENTIAL UNITS LOCATED WITHIN THE R1 AND R2 ZONING DISTRICTS**

**WHEREAS**, on March 2, 2021, Cathedral City voters approved Measure B, which upheld Ordinance No. 842, regulating short-term vacation rentals (STVRs), codified as Chapter 5.96 in the Cathedral City Municipal Code;

**WHEREAS**, Ordinance No. 842 regulates the number of guests, establishes noise curfews and permitting requirements for existing STVRs, and imposes a moratorium on the establishment of new STVRs and a phasing out of existing STVRs by January 1, 2023;

**WHEREAS**, the moratorium as currently codified does not apply to residential units within a common interest development, including homeowners' associations, condominium owner associations and similar associations formed pursuant to the Davis-Stirling Common Interest Development Act; and

**WHEREAS**, since Ordinance No. 842 went into effect, numerous residents have expressed public safety and general health and welfare concerns about adverse effects of STVRs in the Single-Family Residential (R1) and Multiple-Family Residential (R2) zoning districts; and

**WHEREAS**, the City has received numerous complaints regarding excessive noise, parking, litter, disorderly conduct and concerns regarding security and public safety at STVRs in the R1 and R2 zoning districts; and

**WHEREAS**, the City Council desires to protect neighborhoods from nuisances and other adverse effects resulting from the operation of STVRs in the R1 and R2 zoning districts; and

**WHEREAS**, based on the above, the potential establishment of additional STVRs in the R1 and R2 zoning districts poses a current and immediate threat to the public health, safety and welfare in the City due to negative impacts of such lodgings; and

**WHEREAS**, the City has received pending applications for STVR permits, and anticipates receiving more applications for such permits in the future; and

**WHEREAS**, the California Constitution, Article XI, section 7, provides cities with the authority to enact ordinances to protect the health, safety, welfare and morals of their citizens; and

**WHEREAS**, the City of Cathedral City Charter, Article IV, section 400, provides the City with the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges granted or prescribed by any law of the State of California or by any other lawful authority; and

**WHEREAS**, the City Council has the power under Government Code sections 36934 and 36937 to adopt an ordinance that takes effect immediately if it is an ordinance for the immediate preservation of the public peace, health or safety, and is passed by a four-fifths vote of the City Council; and

**WHEREAS**, this urgency ordinance is necessary to address the danger to public health, safety, and general welfare articulated above related to STVRs in the R1 and R2 zoning districts, and prevent hazards to public health or safety that may arise out of the future issuance of STVR permits in the R1 and R2 zoning districts; and

**WHEREAS**, the City Council desires to adopt this ordinance as an urgency ordinance, to be effective immediately, pursuant to Government Code sections 36934 and 36937.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY ORDAINS AS FOLLOWS:**

**SECTION 1. Declaration of Findings Constituting Urgency**

- a) The City of Cathedral City incorporates the recitals set forth above as findings and the City of Cathedral City hereby again makes and affirms those findings, and based thereon declares that such recitals and findings evidence facts constituting urgency as required under the law for the subject action.
- b) The City of Cathedral City has established regulations for the use of privately owned residential dwellings as short-term vacation rentals (STVRs) to minimize the negative secondary effects of such use on surrounding residential neighborhoods.
- c) Allowing proliferation of STVRs to occur in the R1 and R2 zoning districts would conflict with public health, safety and welfare needs of the community.
- d) Accordingly, there is a current and immediate threat to the public health, safety, or welfare related to land uses that involve STVRs in the R1 and R2 zoning districts.
- e) In order to maintain comprehensive and sound land use planning, the City seeks to potentially amend at a future date the zoning provisions of its Municipal Code, use permit requirements and other land use entitlement requirements in order to regulate STVRs and ensure their appropriate location within the City.
- f) Issuing STVR permits in the R1 and R2 zoning districts before the City has had an



opportunity to update its regulations, could lead to conflicts amongst various land uses and conflicts with the City's long term planning goals.

## **SECTION 2. IMPOSITION OF INDEFINITE STAY ON THE ISSUANCE OF STVR PERMITS IN THE R1 AND R2 ZONING DISTRICTS**

- a) In order to ensure the immediate protection of the public health, safety and welfare in accordance with Government Code sections 36934 and 36937 and based on the findings set forth above in Section 1 of this Ordinance as well as additional verbal and written information presented to the City Council, from and after the date of this Ordinance, the City shall not issue any new permits for STVRs under Chapter 5.96 of the Cathedral City Municipal Code for residential units located within the R1 and R2 zoning districts, including pending applications, until such time as the City Council repeals or otherwise modifies this Ordinance.
- b) This indefinite stay shall also prohibit renewals of existing STVR permits in common interest developments in the R1 and R2 zoning districts, including pending applications. This indefinite stay shall not apply to STVRs within a common interest development located in the Resort Residential (RR) zoning district, or to Home Sharing as allowed under Chapter 5.96 of the Cathedral City Municipal Code, or as may otherwise be allowed by law.
- c) The City shall refund, within a reasonable period after the effective date of this Ordinance, any application fee paid by an applicant for any currently pending STVR permit that would not be permitted after the effective date of this Ordinance.
- d) The indefinite stay shall become effective on the date of adoption of this Ordinance and shall remain in effect unless repealed or modified by the City Council.

## **SECTION 3. SEVERABILITY**

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

## **SECTION 4. CEQA**

This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment because it places an indefinite stay on the issuance of permits. 14 Cal. Code Regs. § 15378. The Ordinance is also exempt from CEQA because it is an organizational or administrative activity of governments that will not result in direct or indirect physical change in the environment. 14 Cal. Code Regs. § 15378(b)(5).

## **SECTION 5. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon adoption. It shall be in effect until repealed by the City Council or otherwise modified by the City Council.

#### **SECTION 6. PUBLICATION**

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 39633(c).

#### **SECTION 7. CERTIFICATION**

The foregoing Ordinance was approved and adopted at a meeting of the City of Cathedral City City Council held on the 9th day of February, 2022, by the following vote:

Ayes: Councilmember Gregory, Ross and Carnevale; Mayor Pro Tem Lamb and Mayor Gregory

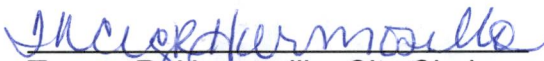
Noes: None

Absents: None

Abstains: None

  
Ernesto M. Gutierrez, Mayor

ATTEST:

  
Tracey R. Hermosillo, City Clerk

APPROVED AS TO FORM:

  
Eric S. Vail, City Attorney